

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 15-20008

Terrance Lombard,

Sean F. Cox

United States District Court Judge

Defendant.

ORDER DENYING
MOTION FOR JUDGMENT OF ACQUITTAL

This matter is currently before the Court on Defendant Terrance Lombard's oral Motion for Judgment of Acquittal Pursuant to Rule 29.

In considering a motion for judgment of acquittal under FED. R. CRIM. P. 29, this Court must determine whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could find the elements of the crime beyond a reasonable doubt. *United States v. Abner*, 35 F.3d 251, 253 (6th Cir. 1994); *United States v. Meyer*, 359 F.3d 820, 826 (6th Cir. 1979). In doing so, the Court does not weight the evidence, consider the credibility of witnesses, or substitute its judgment for that of the jury. *Id.*

The Sixth Circuit has explained that a defendant claiming insufficiency of the evidence "bears a very heavy burden." *Abner*, 35 F.3d at 253. On review, all evidence must be construed in a manner most favorable to the Government. Moreover, circumstantial evidence alone is sufficient to sustain a conviction. *Id.*

As the Court discussed on the record on November 17, 2016, having considered Defendant's motion, and viewing the evidence presented in the light most favorable to the

prosecution, the Court concludes that a rational trier of fact could find the essential elements of each of the crimes charged beyond a reasonable doubt.

Accordingly, **IT IS ORDERED** that Defendant's Motion for Judgment of Acquittal is **DENIED**.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: November 18, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 18, 2016, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager